

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

COMMERCIAL RECOVERY)	
CORPORATION,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:13-cv-00177-SEB-TAB
)	
AMERICAN FINANCIAL CREDIT)	
SERVICES, INC.,)	
)	
Defendant.)	

CASE MANAGEMENT PLAN ORDER

 X PARTIES APPEARED BY COUNSEL ON SEPTEMBER 23, 2013,
FOR A TELEPHONIC STATUS CONFERENCE.

 APPROVED AS SUBMITTED.

 X APPROVED AS AMENDED. [DOCKET NO. 25]

 APPROVED AS AMENDED PER SEPARATE ORDER.

 APPROVED, BUT ALL OF THE FOREGOING DEADLINES ARE
SHORTENED/LENGTHENED BY MONTHS.

 APPROVED, BUT THE DEADLINES SET IN SECTION(S)
 OF THE PLAN IS/ARE
SHORTENED/LENGTHENED BY MONTHS.

 THIS MATTER IS SET FOR TRIAL BY ON
 . FINAL PRETRIAL
CONFERENCE IS SCHEDULED FOR
 AT
 .M., ROOM .

 A STATUS CONFERENCE IS SET IN THIS CASE FOR
 AT .M. COUNSEL SHALL APPEAR:

_____ IN PERSON IN ROOM _____; OR

_____ BY TELEPHONE. COUNSEL OF RECORD WILL
BE CONTACTED WITH INSTRUCTIONS ON HOW TO
ACCESS THIS CALL.

_____ BY TELEPHONE, WITH COUNSEL CALLING THE
JUDGE'S STAFF AT (317) 229-3660.

_____ LIABILITY DISCOVERY SHALL BE COMPLETED BY
_____.

_____ DISPOSITIVE MOTIONS SHALL BE FILED NO LATER THAN
_____.


By separate order, this case will be set for a settlement conference at 1:30 p.m. on December 10, 2013.

The Case Management Plan is approved as amended as follows: (1) The parties shall serve their Fed. R. Civ. P. 26 initial disclosures on or before **October 7, 2013**, and (2) all motions for leave to amend the pleadings and/or to join additional parties shall be filed on or before **October 31, 2013**.

The Court adopts Plaintiff's discovery proposal, and rejects Defendant's discovery proposal for phased discovery, as set forth in Section III. A. The Court does so because the invalidity challenge failed in the Eastern District of Washington and because this case already has been pending over eight months. Nevertheless, the parties are encouraged to narrow and focus their initial discovery requests in this case, particularly given that the limited discovery requests raised with the Court at the September 23, 2013, conference were exceedingly broad. The December 10, 2013, settlement conference provides a further basis to focus initial discovery. Plaintiff should advise Defendant by September 30, 2013, of how it will narrow its discovery requests. With respect to the CMP dispute regarding metadata, the Court finds that the use of load files as suggested by the Plaintiff is appropriate, but otherwise adopts Defendant's proposal for production of any metadata.

Upon approval, this Plan constitutes an Order of the Court. Failure to comply with an Order of the Court may result in sanctions for contempt, or as provided under Rule 16(f), to and including dismissal or default.

Dated: 9/26/2013



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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